

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73410 of 2024

Arising Out of PS. Case No.-3794 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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Sakal Prasad Singh @ Sakal Singh S/O Late Jethu Singh Resident of
Mohalla- Majhwaliya, Indra Nagar, Gali No. 1, Ward No. 32, P.S- Sadar
Muzaffarpur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Kumar Singh S/O Bindeshwari Singh R/O Village- Naraon, P.S-
Autar Nagar, Distt.- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-07-2025 Heard Mr.Subodh Kumar, learned counsel for the

petitioner, learned counsel for the complainant and Mr.Ashok

Kumar Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. C-3794/2019, registered
for the offences punishable under Sections 420,406 of the Indian
Penal Code and Section 138 of N.I.Act.

3. Brief case of complainant is that Satyendra Kumar
Singh, complainant has paid Rs. 13.6 lakh to the petitioner for
purchase of land. Petitioner neither executed sale deed of land
nor returned his full money, Cheque worth Rs.6,80,000/-(Six



Lacs Eighty Thousand) issued by the petitioner got dishonoured and he refused to return that money to complainant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. Although the present complaint petition has been filed against the petitioner for dishonour of cheque to a tune of Rs.6,80,000/-(Six Lacs Eighty Thousand). Learned counsel for the petitioner submits that although cheque in question has been dishonoured from the Bank in question to a tune of Rs.6,80,000/-(Six Lacs Eighty Thousand) but the petitioner is ready to pay Rs.1,80,000/-(One Lac Eighty Thousand) to the complainant at the time of furnishing bail bond and the rest amount shall be the subject to the result of the case.

5. In view of the aforesaid, learned counsel for the complainant and learned APP for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it appears from the complaint petition that the petitioner has issued a cheque to a tune of Rs.6,80,000/-(Six Lacs Eighty Thousand) initially, he has taken Rs.1,80,000/-(One Lac Eighty Thousand) thereafter he received Rs.3,00,000/- (Three Lacs) and Rs. 2,00,000/- (Two Lacs) from the complainant and in view of that, he has issued the cheque in question to a tune of Rs.6,80,000/-(Six Lacs Eighty Thousand).



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Saran at Chapra in connection with Complaint Case No. C-3794/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit Rs.1,80,000/-(One Lac Eighty Thousand) by way of demand draft in favour of the complainant, namely, Satyendra Kumar Singh and the learned court below is directed to hand over the said demand draft to the complainant or his representative.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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